

REMARKS

Claims 1-16 and 19-22 are pending in the application.

Base claims 1 and 11 have been amended to require formation of a unique identifier each time the computer connects on-line to the remote site. Support for the amendments is found at least at page 6, line 23 to page 7, line 3.

The Examiner has accepted Applicant's request to defer the requested Supplemental Declaration until a Notice of Allowance is issued.

The Examiner maintained the rejection of claims 1-9, 11-16 and 19-22 under 35 U.S.C. §102(b) as being anticipated by WO 95/3533 ("Penkava"). The rejection is respectfully traversed.

Penkava teaches a method and a system for preventing use of software on an unauthorized computer, more particularly, preventing software from being executed on a computer system or computer network other than one that has been previously authorized. The steps of Penkava, upon first execution of the software, are:

(a) a validation number is generated as a function of one or more characteristics of the computer on which the software is to be used (the "target computer"), to provide a unique computer identification;

(b) the validation number is used on a remote activation computer to generate an activation number;

(c) the activation number is then used on the target computer to generate a derived balance number;

(d) the derived balance number is used to generate a thumbprint of the target computer as a function of a preselected signature; and

(e) the thumbprint is stored away on the target computer.

Steps (a) to (e) above occur only upon a first execution of the software in question. Thereafter, whenever the software is executed, the following steps occur:

(f) the stored thumbprint is retrieved from the target computer and decrypted using a predetermined balance number embedded in the software, to obtain a decrypted signature and product print; and

(g) execution of the software is permitted to continue if the decrypted signature matches the preselected signature used to generate the thumbprint, and disabled otherwise.

Penkava teaches that the thumbprint, which is a unique identifier of the target computer/software program pair, is generated on the target computer and is stored locally (i.e., not remotely) for subsequent use, that is, for subsequent validations when the software on the target computer is to be executed.

Base claims 1 and 11, as amended, on the other hand, require formation of a unique identifier of the computer each time the computer logs on to the remote site, irrespective of which software program is executed on the computer. The unique identifier serves only to identify the particular computer and is not derived on the basis of software identification parameters as is the case in Penkava (see Figure 11). The unique identifier of the computer is recorded in a store at the remote site and is used as an index to access stored transaction data relating to that computer. Thus, claim 1 as amended relates to transfer of the unique computer identifier for each login session between the computer and the remote site.

The Applicant, therefore, submits that base claims 1 and 11 as amended are not anticipated or suggested by Penkava. Furthermore, none of the other claims of the application are anticipated or suggested due to their dependency on base claims 1 and 11, respectively.

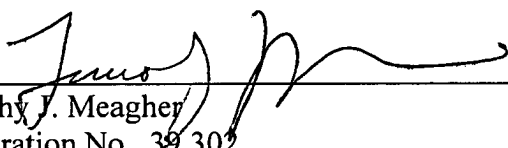
Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Penkava and in view of Official Notice. For the foregoing reasons with respect to base claim 1, claim 10 is believed to be patentable over Penkava alone or taken with official Notice. Reconsideration of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Timothy J. Meagher
Registration No. 39,302
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date:

12/16/8